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**IN THE
COURT OF APPEALS OF INDIANA**

CURTIS TYRONE LOVE,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 20A03-0609-CR-433

APPEAL FROM THE ELKHART CIRCUIT COURT
The Honorable Terry Shewmaker, Judge
Cause No. 20C01-0509-MR-93

April 10, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

FRIEDLANDER, Judge

Curtis Tyrone Love appeals his conviction for Murder,¹ a felony. He presents the following issue for review: Did the State present sufficient evidence to establish that he was the perpetrator of the crime?

We affirm.

The facts most favorable to the conviction reveal that in February 2001, seventeen-year-old Vasani Cy Mankhwala (Cy) moved to Elkhart with his father, Ephraim Mankhwala, and Cy's two younger brothers. Living on Morton Avenue, Cy quickly became friends with Marvin Gates and Netfa Miller, and they spent a lot of time together making rap music. The three were also friends with Love, who lived next door to Gates on Morton Avenue.

In the late afternoon of June 29, 2001, Cy and his friends gathered in Gates's backyard. Cy, Gates, and Miller rapped while others, including Love, listened. At some point, a brief verbal argument erupted between Cy and Love. The argument ended when Gates's older brother told them to quiet down. Thereafter, Love became abnormally quiet, and he left on Cy's bicycle around 9:00 p.m. When Love failed to return, Cy, Gates, and Miller went to Miller's house to work on their music. Gates left Cy and Miller around 11:00, as Miller and Cy continued their music.

Around midnight, Miller and Cy walked through the neighborhood to Main Street on an errand for a friend. As they were walking back on Morton Avenue towards Miller's house, they encountered Love riding a bike. They greeted each other and

¹ Ind. Code Ann. § 35-42-1-1 (West, PREMISE through 2006 2nd Regular Sess.).

exchanged “love and taps”. *Transcript* at 266. Miller then proceeded to his house around 12:30 or 1:00 a.m., as Cy and Love went together towards Cy’s house, which was about a block away.

Shortly after 1:00, Cy entered his house and ran upstairs to his twelve-year-old brother’s room. He woke up his brother to ask if a friend could borrow his bike. His brother said no. When Cy came back downstairs, Ephraim told his son that it was late and he needed to stay in. Cy replied that he would be right back. Around this same time, Ephraim noticed movement outside the window. Ephraim pulled the window sheers back and saw Love trying to hide from Ephraim’s view. Ephraim thought nothing of it at the time, as Love was a friend of Cy’s. Soon thereafter, Ephraim went to bed.

At approximately 3:15 a.m., Elkhart Police Officer Norm Friend was on routine patrol in the area when he encountered a body, later identified as Cy’s, lying in the middle of Chase Street, just off of Main Street. Cy was not wearing a shirt and was lying face down in a large pool of partially dried blood. It was apparent to Officer Friend that Cy was dead and riga mortis had already begun to set in. A blood-covered knife blade with no handle was found a short distance from the body. And the blade, which appeared to be from a steak knife, was bent. In addition to having received multiple blunt-force injuries to the head and face, Cy had been stabbed twenty-one times² about the head, face, neck, back, arms, and legs. Of particular note, Cy’s lungs had been punctured five separate times, causing “relatively rapidly lethal” injuries. *Id.* at 363. Cy also received a

² Cy also received many incised wounds to his hands and arms, as well as other areas of his body.

stab wound to the back of his neck, which punctured the spinal cord and would have rendered him paralyzed.

The investigation soon revealed Cy's bicycle lying in a nearby alley that ran perpendicular to Chase Street and parallel to Main Street. The bike was approximately 340 feet from the body. A shirt was lying next to the bike. Officers also discovered a trail of blood drops along a quarter-block area. The blood trail began at a picket fence that was partially knocked over at 1909 S. Main Street, one of the residences behind which the bike was found. The trail continued south on the sidewalk along Main Street and then west onto the sidewalk along Chase Street, where the body was found. In addition to the sidewalk and street, blood was discovered on the back of a white pickup truck parked just off of Chase Street at 1919 S. Main Street. Detectives recovered random samples of blood found at the scene. Many of the samples revealed Cy's DNA, such as on the fence, along the sidewalks, and on the knife blade. Love's blood and DNA, however, were also discovered within a short distance of the body, on the tailgate of the pickup truck and the sidewalk along Chase Street.

In the beginning of July, Love's uncle, John David Love, received a phone call from Love's mother who lived in California. As a result, John immediately left a family barbecue to locate Love "to find out what was going on." *Id.* at 396. He found Love a while later, and the two drove around and talked. John informed his nephew that he had been "hearing some stuff," and Love then confided in John. *Id.* at 397. Love told his uncle that he had gotten into a "misunderstanding with a friend" that resulted in an argument. *Id.* Love said that his friend pulled a knife and, after a scuffle, Love got

possession of the knife and stabbed his friend with it. Love indicated to his uncle that this occurred “in an alley off of Main.” *Id.* at 398. Love further explained that he did not think he had killed his friend but that he felt it was “his life or the guy [sic] life.” *Id.*

On July 4, 2001, police executed a search warrant at the home where Love was living with his aunt. Two steak knives were recovered from the kitchen, the blades of which matched that found at the murder scene.

The State charged Love, on June 3, 2005, with murder. Love’s three-day jury trial concluded on May 17, 2006, with the jury finding him guilty as charged. He now appeals, challenging the sufficiency of the evidence.

Our standard of review for claims challenging the sufficiency of the evidence is well settled. We will not reweigh the evidence or judge the credibility of the witnesses, and we will respect the jury’s exclusive province to weigh conflicting evidence. *McHenry v. State*, 820 N.E.2d 124 (Ind. 2005). Considering only the evidence and the reasonable inferences supporting the verdict, our task is to decide whether there is substantial evidence of probative value from which a reasonable jury could find the defendant guilty beyond a reasonable doubt. *Id.* Further,

[a] conviction for Murder may be based purely on circumstantial evidence. We will not disturb a verdict if the jury could reasonably infer that the defendant is guilty beyond a reasonable doubt from the circumstantial evidence presented. On appeal, the circumstantial evidence need not overcome every reasonable hypothesis of innocence. It is enough if an inference reasonably tending to support the verdict can be drawn from the circumstantial evidence.

Moore v. State, 652 N.E.2d 53, 55 (Ind. 1995); *see also Kriner v. State*, 699 N.E.2d 659, 664 (Ind. 1998) (“[c]ircumstantial evidence by its nature is a web of facts in which no single strand may be dispositive”).

Love claims there was insufficient evidence presented to show that he was the perpetrator of the crime. He notes that there were no eyewitnesses to the killing. Love further asserts that his blood/DNA was not found “close enough to the murder scene to warrant an inference of guilt” and that the testimony of his uncle, which implicated Love in the killing, was “also too vague to warrant an inference of guilt.” *Appellant’s Brief* at 4. Love also claims the State failed to present evidence that he had “any grudge against the victim”. *Id.* at 5. Finally, while he acknowledges steak knives similar to the blade found at the scene were found at his house, Love relies on testimony from his aunt to the effect that she bought them at a dollar store and argues the knives were “undoubtedly a common purchase in a working class neighborhood.” *Id.* at 6.

We reject Love’s invitation to view each piece of evidence in isolation and to reweigh the evidence. *See Kriner v. State*, 699 N.E.2d 659. The evidence viewed as a whole and most favorably to the judgment supports the finding of guilt. That evidence reveals Love was the last person seen with the victim just prior to his death in the early morning hours of June 30, 2001. The evidence further reveals that Cy and his attacker most likely engaged in a physical fight and a chase over a quarter-block area, which ended with Cy’s brutal stabbing in the middle of Chase Street. There were blood droplets found along the path of the attack, as well as a large pool of blood surrounding Cy’s corpse. Though much of the blood samples taken ended up being from the victim,

Love's blood was also found at the scene. Contrary to Love's assertions on appeal, the pickup truck upon which Love's blood was found was not several houses down from Cy's body. Rather, the truck was parked just off of Chase Street at the residence next to which the body was found. In addition to the tailgate of the nearby truck, Love's blood was discovered on the sidewalk along Chase Street, within a short distance of the body. This evidence placed a wounded Love within the immediate vicinity of where Cy was killed. Moreover, the knife blade used in the killing matched two steak knives found in Love's aunt's home, where Love was staying. Finally, only days after the killing, Love told his uncle that he had been in a fight with a friend and had stabbed the friend in an alley off of Main Street. The circumstantial evidence presented at trial and Love's incriminating statements to his uncle sufficiently support Love's conviction for murder.

Judgment affirmed.

BAKER, C.J., and CRONE, J., concur.